

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10869 of 2012

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M/s IGE Medical Systems through Proprietor, Rakesh Kumar, S/o Late Mahangu Singh, having its registered office at Gala No. 11, First Floor, Saphalaya Industrial Estate, Plot No. 18, Survery No. 126/P, Amla Silvassa - 396 230 (U.T.), Dadara & Nagar Haveli, having Branch Office At 703- Jagat Trade Centre, VIIth Floor, Fraser Road, Police Station-Kotwali, District - Patna

.... Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Department Of Health, Government of Bihar, Patna
 2. The State Health Society through Its Executive Director
 3. The Executive Director, the State Health Society
 4. The Administrative Officer, the State Health Society, Bihar
 5. The Incharge Radiology & Pathology, the State Health Society.
- All at Parivar Kalyan Bhawan, Sheikhpura, Patna 800014.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shrawan Kumar, Sr. Advocate
Mr. Dinesh Maharaj, Advocate

For the State : Mr. Nawal Kishore Singh, AC to GP 26

For State Health Society: Mr. Satyavarat Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-08-2016

Heard learned senior counsel for the petitioner as well as learned counsel for the respondents.

2. The present writ petition has been filed by the petitioner, who is aggrieved by non-grant of PNDT (Pre-Natal Diagnostic Test) certificate in terms of the provisions of the Pre-Conception & Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (for short "PNDT Act, 1994"); and the respondent-State Health Society is not facilitating the grant of such certificate while on the other hand prohibiting the petitioner from

running the Ultrasound Centre in absence of such certificates; as well as the respondents are not taking measures for nomination of the Government doctors to have PNDT certificate.

2. Mr. Shrawan Kumar, learned senior counsel appearing on the petitioner, submits that even though the respondent-State Health Society had written to the concerned Civil Surgeons as far back as on 29.09.2009 with request for issuance of the relevant PNDT certificate; only some certificates have been issued whereas functioning of large number of Ultrasound Centres has been adversely affected in absence of such certificates being issued to them. Representations in this regard have been filed as far back as on 30.04.2010 from time to time but, however, only some certificates have been granted thereafter while several Ultrasound Centres are still awaiting their certificates.

3. Learned counsel for the respondent-State Health Society appears and has been heard.

4. Having regard to the nature of the grievance of the petitioner and with consent of the parties, the writ petition is being disposed of granting liberty to the petitioner to file a fresh representation before the competent authority under the Act for redressal of its grievances. If such a representation is filed within a period of four weeks from today, the same shall be considered and disposed by the competent authority expeditiously, in accordance with

law and after grant of opportunity of hearing to the petitioner. The petitioner shall cooperate in the matter by furnishing any relevant details and particulars as may be required by the competent authority upon which, the competent authority shall issue requisite PNDT certificates and nominate the Government doctors for the Ultrasound Centres without undue delay. If for any reason such certificates are not issued or the Government doctors are not appointed, the competent authority shall pass a speaking order assigning reasons for the same. The respondent-State Health Society shall, on its part, take all necessary steps to facilitate issuance of the certificates and nomination of the Government doctors by the competent authority.

5. The writ petition accordingly stands disposed of.

(Vikash Jain, J)

B.T/-Ibrar

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